THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE SRI JUSTICE P.S.NARAYANA

–

WRIT APPEAL NO.2574 OF 2005.

DATED: 28-12-2005

Between

Dr.L.C.Obulesu son of Obaiah,

Aged 51 yrs, Professor and Head

Of the Department of Forensic

Medicine, Kurnool Medical College,

Kurnool.

….Appellant

And

1.Dr.M.Srirama Krishna Prasad, son of

Venkateswara Rao, 53 yrs, Working as

Professor of Forensic Medicine, Kurnool

Medical College, Kurnool and 3 others.

…Respondents

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JUDGMENT (Per the Hon'ble B.Prakash Rao, J)

Heard both sides and at their request, the main appeal itself is taken up for disposal.

The appellant herein is the 4t h respondent against whom an interim direction has been given by the learned single Judge in the writ petition filed by the 1st respondent herein *inter alia* challenging the action of the University in continuing the appellant herein in the post especially when he is having a Postgraduate degree from the University which is not recognized.

The main ground urged in this case is Postgraduate degree obtained by both parties are not from the recognized universities. However, having regard to the rules and regulations and according to the writ petitioner-1st respondent, the appellant is not entitled to continue in service. The learned single Judge having found that the Postgraduate degree obtained by the appellant is not from the recognized university and therefore, gave a direction to the respondents 2 to 4 herein not to permit the appellant to function as a Teacher/Examiner/Guide for Postgraduate students and also directed the appellant not to function as such, pending disposal of the writ petition.

It is represented by the learned Standing Counsel appearing for the University that the decision was taken by the University itself vide proceedings, dated 16-09-2004 pursuant to the representations of the writ petitioner. It is seen from the proceedings, dated 16-09-2004, that the University after considering the representations of the writ petitioner and in view of the practical difficulties that are likely to crop up, ordered to maintain status quo till a final decision is taken in the matter. Be that as it may, these are the matters, which can be decided in the main writ petition after final hearing rather than, at the interlocutory stage by granting interim direction. Having regard to the nature of the controversy in the writ petition, we do not think it appropriate to continue the interim order and therefore, liable to be set aside.

Accordingly, the writ appeal is allowed and the interim order, dated 05-10-2005, passed by the learned single Judge is set aside. Office is directed to post the main writ petition itself for final hearing subject to part heard on 06-02-2006 before the regular Court hearing the matters. No costs.

B.PRAKASH RAO, J

Dated: 28-12-2005.

Hsd

P.S.NARAYANA, J